IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.121 OF 2005
IN
WRIT PETITON NO.2303 OF 2003

Tentous Shipping Co. Ltd. ..Applicant.

V/s.

The Commissioner of Customs (P) & Ors. ..Respondents.

Mr.David C.Gomes for Applicant.

Mr.P.S.Jetly with Y.R.Mishra for respondents.

CORAM : Dr.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATED : 24TH JANUARY, 2006.

P.C. :-

Heard learned counsel for the applicant and the respondents. This Notice of Motion has been filed by the respondents seeking an order permitting them to issue refund order for the amount of Rs.50,00,000/- in favour of NLS Agency (India) Pvt.Ltd. who had deposited the said amount of Rs.50,00,000/-. By an order dated 7/10/03 as well as order dated 17/10/03 the respondents were specifically directed to refund the amount to the petitioner. Moreover, by a letter dated 13/10/1995 addressed to the Commissioner of Customs (Preventive), the NLS Agency has specifically stated that the amount deposited by them is out of the amount remitted to them by the owners i.e. the petitioner. Hence the present Notice of Motion does not survive and hence disposed of as such with no order as to costs.

(Dr.S.RADHAKRISHNAN,J.)

(J. P. DEVADHAR, J.)